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EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,174

Applicant(s)

NOGUCHI ET AL.

Examiner

Wes Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Amendments and Arguments*

1. Applicant's response to the last Office Action, filed February 10, 2004, has been entered and made of record.
2. Applicant has canceled Claims 1-5. Claims 6 and 7 were amended. Claims 9-14 were added. Claims 6-14 are pending.
3. Applicant's arguments have been fully considered but are not persuasive for at least the following reasons.
4. Applicant argues that the combination of Anderson and Ando does not reasonably teach the practice of transferring attribute data and thumbnail image data recorded on a recording medium to a memory when neither recording nor reproduction of the picture data is performed, as recited in the claims of the present application. Applicant argues the use of the two ping-pong buffers as the transferring of thumbnail data from a recording medium to a memory. The Examiner disagrees, however to further support the use of Anderson as a reference, the Examiner points to the fact that Anderson discloses temporary storage of images in a DRAM (col.4, lines 16-21), which is a recording medium and the transfer of the data to a removable memory (Fig. 1, element 354) such as a memory card in a camera that is well known in the art. Anderson does not expressly disclose a thumbnail dedicated storage area. Ando expressly discloses a dedicated thumbnail storage area in a data structure (Fig. 1,

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element 1016). Therefore examiner makes the combination of the data transfer of Anderson to the expressly disclosed thumbnail dedicated storage area of Ando. As to the limitation of transferring attribute data and thumbnail data recorded on a recording medium to a memory when neither recording nor reproduction of the picture data is performed, it is understood that the thumbnail images can be transferred to memory at any time deemed necessary such as when more storage space is needed. As to the limitation of storing thumbnail data displayed on a display into memory when a state is changed into a state of recording or reproducing a picture or displaying the thumbnail images when the state of recording or reproducing is changed into the state of displaying the thumbnail images, it is understood and inherent to store pictures when they are not being displayed and to display them when they are to be displayed. The claims have been further addressed below.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,249,316 to Anderson and U.S. Patent 6,360,056 to Ando et al.

6. With regard to claim 6, Anderson discloses a method of recording on a random access recording medium allowing random access thereto picture data (column 4, lines 12-14), attribute data corresponding to said picture data and indicating attributes of said picture data, respectively, and thumbnail image data representing features of said picture data, respectively, and transferring at least one of said attribute data and said thumbnail image data from said recording medium for displaying both of said attribute data and thumbnail image data or alternatively either one of them on a display unit of an image transcription apparatus (Fig. 5, elements 805 and 825, and column 5, lines 40-48 and Fig.3, elements 700 and 708). Anderson discloses a method of displaying both thumbnails and a full sized image simultaneously on a display screen.

Anderson further discloses the step of transferring said attribute data and said thumbnail image data recorded on said recording medium (Fig.1, element 346) to a memory (Fig.1, element 354) when neither recording nor reproduction of said picture data is performed. Here Anderson discloses a removable memory for storage and transfer of image data. It is understood that image data is stored in the removable memory and is transferred there from the DRAM. It is well known in the art for image data along with thumbnails and attribute data to be stored on removable memory cards to be transferred to other viewing devices such as a personal computer. Anderson does not expressly disclose when the data is transferred to the removable memory such as when neither recording or reproduction of said picture data is performed, however it is

understood that the thumbnail data and attribute data would be transferred to the removable memory whenever there is a desire for more storage space.

Anderson further discloses displaying at least one of said attribute data and said thumbnail image data stored in said memory on said display unit (Fig.3, elements 700 and 708). Here a view is given of the LCD screen where several thumbnails are displayed along the top and the selected or highlighted thumbnail has its attribute data displayed as well.

Anderson further discloses displaying said thumbnail image data when said thumbnail image data is to be subsequently displayed on said display unit (Fig. 3, elements 700 and 704). Here a view of the display shows a list of thumbnails across the top and a larger display of the selected thumbnail.

Anderson discloses transferring and copying the thumbnail image data for storage thereof as discussed previously with regard to the storage in the DRAM (Fig.1, element 346) and the transfer to the removable memory (Fig. 1, element 354). Anderson does not expressly disclose a thumbnail-image-dedicated area of said memory upon transition to recording or reproduction of new picture data in a state in which at least one of said attribute data and said thumbnail image data is being displayed on said display unit.

Ando discloses a thumbnail dedicated storage area (Fig. 1, element 1016). It would be logical to transfer the thumbnail image data to the thumbnail dedicated storage in order to organize the image data in the memory so that the may be properly called and displayed later. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a thumbnail dedicated storage area as taught by Ando in order to store the thumbnail data in a an organized manner in the method of Anderson.

Anderson further discloses displaying said thumbnail image data stored in said thumbnail dedicated area when said thumbnail image data is to be subsequently displayed on said display unit (Fig. 3, elements 700 and 704). Here a view of the display shows a list of thumbnails across the top and a larger display of the selected thumbnail.

The combination of Anderson and Ando applies to transferring said attribute data and said thumbnail image data from said recording medium to said memory therein when said thumbnail image data is not stored in said thumbnail dedicated area. It is understood that the thumbnail data needs to be transferred to the thumbnail dedicated storage area if it is not already there.

7. With regard to claim 7, Anderson discloses displaying the attribute data stored in said memory upon displaying of said attribute data on said display unit (Fig. 3);

Anderson does not disclose a thumbnail dedicated storage area. The combination of Anderson and Ando applies to a thumbnail dedicated storage area and transferring said attribute data and said thumbnail image data from said random access recording medium to said memory for storage therein when said thumbnail image data is not stored in said thumbnail dedicated area, for displaying said attribute data stored in said memory on said display unit for the same reasons discussed above in claim 6.

8. With regard to claim 8, Anderson discloses a transfer method according to claim 6, wherein said thumbnail image data are displayed on said display unit in the form of a list of thumbnail images which correspond to a plurality of said picture data, respectively (Fig. 3, elements 700). Anderson describes a display where thumbnails are scrolled across the LCD screen and correspond to respective picture data.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.



Claims 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,335,742 to Takemoto.

10. With regard to claim 9, Takemoto discloses a method of reproducing information, comprising the steps of:

Storing a thumbnail file including at least thumbnail data that represents image data from a recording medium to a memory (Fig.17 and column 10, lines 51-68); and

Displaying thumbnail images of said thumbnail data stored in said memory on a display (Fig.9).

11. With regard to claim 10, Takemoto discloses a method according to claim 9, wherein said thumbnail file includes attributing data corresponding to said thumbnail data (column 11, lines 30-52). Here Takemoto discloses registering keywords or attributing data with thumbnails through the use of Keyword characters that are stored with the thumbnails used to look up the thumbnails according to specified keyword.

12. With regard to claim 11, Takemoto discloses a method according to claim 10, wherein said thumbnail file includes said thumbnail data successively and said attributing data corresponding to said thumbnail successively (Fig.11 and column 8, lines 60-68, and Fig. 20). Here Takemoto discloses the process of associating a keyword with a thumbnail. The keyword characters are used to associate the keywords with the thumbnails (column 11, lines 30-50 and column 12, lines 1-24).

13. With regard to claim 12, Takemoto discloses a method according to claim 10, wherein an area of said attributing data in said thumbnail file is fixed regardless of a quantity of said attributing data (column 11, lines 30-50). It is understood that because characters are used as attributing data in the thumbnail file to associate keywords, that there is limited space in the thumbnail for attribute data.

14. With regard to claim 13, Takemoto discloses a method of reproducing information, comprising the steps of:

Storing thumbnail data displayed on a display in a thumbnail-image-dedicated area of memory when a state of displaying thumbnail images is changed into a state of recording or reproducing a picture (column 9, lines 40-55). Here Takemoto discloses a folder or file where thumbnail files are contained. When the user chooses to display the thumbnails they are displayed unless there are no thumbnails in the file, in which case thumbnails are produced or pictures are reproduced as thumbnails to be stored in the file.

Takemoto further discloses displaying said thumbnail images of said thumbnail data from said thumbnail-image-dedicated area on said display when the state of recording or reproducing the picture is changed into the state of displaying said thumbnail images (column 9, lines 40-55).

15. With regard to claim 14, Takemoto discloses a method according to claim 9, wherein said recording medium has a predetermined area for said thumbnail file (Fig. 3). Here an image file is disclosed which inherently resides on a recording medium. The image file has a clearly marked thumbnail data section.

### ***Conclusion***

16. Applicant's amendment necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***


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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker  
4-20-2004

  
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